

January 19, 2006

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
January 19, 2006

- I. OPENING OF MEETING AT 9:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS
- II. PRESENT
- III. APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2005

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD DECEMBER 15, 2005?

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. **Report on Exempt Positions**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	152	8
Agriculture	500	17
Arts Council	22	1
Capitol Development Board	23	0
Central Management Services	1640	119
Children and Family Services	3298	41
Civil Service Commission	4	0
Commerce & Econ. Opportunity	444	61
Commerce Commission	42	0
Corrections.....	14,036	117
Criminal Justice Authority	78	6
Deaf and Hard of Hearing Comm.	5	1
Developmental Disabilities Council	13	1
Emergency Management Agency.....	109	1
Employment Security	1855	26
Environmental Protect. Agency	1077	16
Fin. & Prof. Regulation	798	46
Guardianship and Advocacy	109	5
Healthcare and Family Services.....	2168	29
Historic Preservation Agency.....	248	12
Human Rights Commission.....	11	2
Human Rights Department	127	8
Human Services	14,777	60
Investment Board	4	2
Labor.....	70	7
Labor Relations Board Educational	16	2
Labor Relations Board Local.....	1	0
Labor Relations Board State	18	2
Law Enforce. Trng. & Standard Bd.	23	1
Medical District Comm.	2	0
Military Affairs	144	3
Natural Resources.....	1456	27
Pollution Control Board	26	3
Prisoner Review Board	23	0
Property Tax Appeal Board	21	2
Public Health	1100	35
Revenue.....	2035	59
State Fire Marshal	144	9
State Police	1466	6
State Police Merit Board	5	1
State Retirement Systems	78	1
Transportation	3155	1
Veterans Affairs	1136	4
Workers Comp. Commission	164	9
TOTALS	52,623	751

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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C. Illinois Department of Revenue - Proposed Exemption (Continued from December)
WITHDRAWN on 1/10/06

Position Number	40070-25-91-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Lottery Sales
Functional Title	Deputy Director
Incumbent	Kristine A. Hanlon
Supervisor	Lottery Superintendent
Location	Cook

CMS Recommendation:

“This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Department of Public Health - Proposed Exemption (Continued from December)

Position Number	40070-20-07-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office-Hearing Review
Functional Title	Chief Administrative Law Judge
Incumbent	None
Supervisor	Assistant Director (Reports to the Director)
Location	Sangamon

CMS Recommendation:

"This position does meet the reporting criteria of the Commission Rules and considering the similarities of these (sic) requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E. Illinois Department on Aging - Proposed Exemption

Position Number	00502-47-00-400-01-01
Position Title	Administrative Assistant II
Bureau/Division	Executive Office
Functional Title	Assistant to the Legislative Liaison
Incumbent	None
Supervisor	Legislative Liaison (Reports to the Director)
Location	Sangamon

CMS Recommendation:

“This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

F. Illinois Department of Human Services - Proposed Exemption

Position Number	26908-10-76-000-00-01
Position Title	Mental Health Program Administrator
Bureau/Division	Office of Mental Health
Functional Title	Director of Mental Health
Incumbent	Lorrie R. Stone
Supervisor	Assistant Secretary (Reports to the Secretary)
Location	Cook

CMS Recommendation:

“Although this position was recently reclassified to the above noted class from the Senior Public Service Administrator class, its programmatic authorities have not changed and it continues to serve as Director of the Agency’s Office of Mental Health. Further, the position continues to meet the reporting criteria of the Commission Rules and considering similarities of this position with those of other 4d(3) exempt positions, I recommend continuing the 4d(3) exemption.”

G. Illinois Workers’ Compensation Commission - Proposed Exemption

Position Number	40070-50-37-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Law Division
Functional Title	Chief of Staff / Assistant Secretary
Incumbent	Amy J. Masters
Supervisor	Chairman of the Commission
Location	Cook

CMS Recommendation:

“This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

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V. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) and 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION AND/OR SPECIFIED EMPLOYMENT MATTERS.

VI. RECONVENE MEETING

VII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of December 31, 2005.

Agency	11/30/2005	12/31/05
Aging	1	1
Agriculture	3	3
Arts Council	1	1
Central Management Services	6	4
Children & Family Services	5	4
Comm. & Econ. Opportunity	1	1
Emergency Mgmt. Agency	1	1
Environmental Protection	1	1
Healthcare & Family Services	11	11
Historic Preservation	1	0
Human Services	1	3
Human Rights	1	0
Natural Resources	25	23
Transportation	11	37
Veterans Affairs	2	2
Total	71	92

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE APPEAL

DA-5-06

Petitioner	Paul E. Dillon	Appeal Date	7/25/05
Agency	DHS	Decision Date	1/06/06
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Failure to perform duties	Recommended Decision	Charges proven; ALJ recommends 60-day suspension in lieu of discharge.

**DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION
IN THE ABOVE MATTER?**

- **RULE VIOLATION**

RV-21-06

Petitioner	Connie Davis	Appeal Date	10/07/05
Agency	CMS	Decision Date	12/28/05
Type of Appeal	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Inequity of pay between merit comp & collective bargaining unit employees	Proposed Finding	ALJ finds there is no violation of Personnel Code or Rules.

**DOES THE COMMISSION CONCUR WITH THE PROPOSED FINDING IN
THE ABOVE MATTER?**

IX. **APPEALS TERMINATED WITHOUT DECISION**

- **WITHDRAWN**

DA-60-05

Respondent	Alan Moyzis	Appeal Date	03/10/05
Agency	ISP	Decision Date	12/13/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Illegal eavesdrop; misrepresentation of facts to ISP investigator	Recommended Decision	Settlement; withdrawn subject to Commission approval.

**DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION
IN THE ABOVE MATTER?**

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X. AMENDMENTS IN CLASS SPECIFICATIONS

None submitted.

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

XI. AMENDMENT TO THE PERSONNEL RULES

Notice of Adopted Amendment – 80 ILAC, Subpart B: Leave of Absence, 303.112 Sick Leave Bank

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, February 16, 2006 at 9:00 a.m. in the Commission's Chicago Office.

XIV. MOTION TO ADJOURN